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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,321	12/13/2001	Harvey Ellis Cline	RD-29447	6099
6147	7590	12/15/2004		EXAMINER
GENERAL ELECTRIC COMPANY GLOBAL RESEARCH PATENT DOCKET RM. BLDG. K1-4A59 NISKAYUNA, NY 12309			LAVIN, CHRISTOPHER L	
			ART UNIT	PAPER NUMBER
			2621	

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/683,321	CLINE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Christopher L Lavin	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 13 December 2001.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 1-11 is/are allowed.

6) Claim(s) 12-16 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 12 – 16 are rejected under 35 U.S.C. 102(b) as being anticipated by

Giger (5,133,020).

3. In regards to claims 12 – 15, it should be noted that a system must distinguish from the prior art in terms of structure rather than function. See MPEP 2114. The only structure positively recited in these claims is an image acquisition device, a processor and an interface unit. All the other features are recited functionally and assigned to the processor or interface unit by way of “adapted to” clauses, which render them mere statements of intended use. They are of no patentable significance. Moreover, the processor and interface unit in Giger may be “adapted to” perform these same functions.

4. Giger discloses in the paragraph starting at column 4, line 47 a medical image acquisition device (mammograms, are obtained from x-ray images). The system disclosed by Giger in the above-mentioned paragraph requires a computer to carry out, which requires a processor. Finally, Giger states, “The final output of the overall scheme is the display of the suspect lesion”. A display is an interface unit.

5. In regards to claim 16, as shown in the rejection of claim 12, Giger discloses taking mammograms, which are obtained from an x-ray system. Thus Giger specifies an image acquisition device that is an x-ray system.

***Allowable Subject Matter***

6. Claims 1 - 11 allowed.

7. The art of record does not teach nor does it suggest the specific features called for in the claims, particularly using fixed radius spheres as building blocks in region growing for the purpose of segmenting a three-dimensional medical image.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. US Pat. 5,352,613 discloses a method of cellular screening which uses circular kernels (see the paragraph starting at column 9, line 7) for dilation and erosion.

10. US Pat. 5,553,207 discloses a method of three-dimensional segmentation using region-growing.

11. US Pat. 6,246,784 discloses a method of three-dimensional medical image segmentation using seed based region-growing.

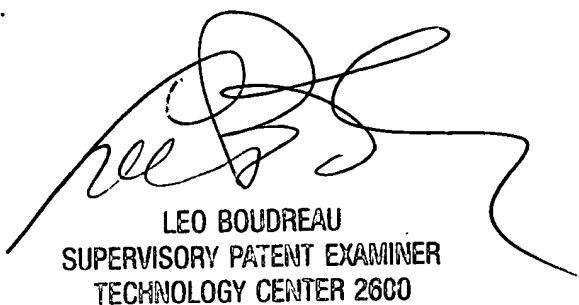
12. Edward A. Ashton, KJ Parker, MJ Berg, CW Chen, "A Novel Volumetric Feature Extraction Technique, With Applications To MR Images", 0-8186-7310-9/95, IEEE, pp. 564-567, 1995. discloses another method of three-dimensional medical image segmentation using seed based region-growing

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher L Lavin whose telephone number is 703-306-4220. The examiner can normally be reached on M - F (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Boudreau can be reached on (703) 305-4706. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CLL



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